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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Chi-Yup An

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Oppedahl Patent Law Firm LLC

P.O. BOX 4850

FRISCO, CO 80443-4850

EXAMINER

VERBITSKY, GAIL KAPLAN

ART UNIT

PAPER NUMBER

2855

NOTIFICATION DATE

DELIVERY MODE

11/24/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket-oppedahl@oppedahl.com

Office Action Summary	Application No. 10/542,260	Applicant(s) AN, CHI-YUP	
	Examiner Gail Verbitsky	Art Unit 2855	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4 and 7-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4 and 7-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claim 1 objected to because of the following informalities: “power supply” in line 3 makes the claim language confusing because it is not clear how it is operating with the rest of the elements of the claim. What particular structure does it supply? Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 3-4, 7-11 are finally rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 3-4, 7-11 are finally rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: it is not clear how the elements are related one to another structurally and how they operate together as a device. (i.e., it appears that the power supply has no structural relationship with a sensing unit and light emitting device, etc.).

Claim Rejections - 35 USC § 103

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 6 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Ingalz (U.S. 4936508) in view of Huang (U.S. 5915415) and Ziegler, Jr. (U.S. 4994792) [hereinafter Ziegler].

Ingalz discloses a device comprising a power source having a magnetic turbine and a coil fixed around the turbine such that the magnetic turbine rotates by water (water pressure) generating electrical power (current), the device also comprising an alarm (flashing light/ light emitting unit) responsive to a noticeable water temperature.

Ingalz does not explicitly teach that the sensing unit is disposed in a water mixer for sensing temperature and the particular light emitting unit, as claimed in claim 1.

Huang discloses a device in the field of applicant's endeavor wherein a temperature sensing probe is located in water mixing chamber portion of a tap.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device disclosed by Ingalz, so as to place the temperature sensing probe in a mixing portion of the tap, in order to better control mixing of the temperature, and thus to allow the operator to take quick actions.

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Ziegler teaches a device having warning light of different colors (Fig. 1) to indicate different temperatures of fluid, the different colors are produced by different (at least two) LEDs.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device disclosed by Ingalz, so as to have LEDs to indicate warning lights of different colors (i.e., red and blue) corresponding to different temperatures, as taught by Ziegler, in order to better alert the operator, since these colors of light are known to be internationally accepted as indications of hot and cold waters.

With respect to the preamble of claim 1: the preamble of the claims does not provide enough patentable weight because it has been held that a preamble is denied the effect of a limitation where the claim is drawn to a structure and a portion of the claim following the preamble is a self-contained description of the structure not depending for completeness upon the introductory clause. Kropa v. Robie, 88 USPQ 478 (CCPA 1951).

Claim 7 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over Ingalz, Huang and Ziegler as applied to claim 1 above, and further in view of Bowen (U.S. 4743120).

Ingalz, Huang and Ziegler disclose the device as stated above.

They do not teach the limitations of claim 7.

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Bowen discloses a device wherein water supply is attaches to a transparent shower hose whose inner surface is not reflective allowing the operator to observe data related to temperature of the inside of the hose through the transparent hose.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device disclosed by Ingalz, Huang and Ziegler, so as to connect the output of the water to a transparent shower hose, in order to allow the operator to observe water temperature related indication.

Claim 3 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over Ingalz, Huang and Ziegler as applied to claim 1 above, and further in view of Ronci (U.S. 20020097777).

Ingalz, Huang and Ziegler disclose the device as stated above.

They do not teach the limitations of claim 3.

Ronci discloses a device for obtaining temperature of a fluid/ water inside a circular article, the device comprises a strip covered/ sealed with a transparent tape, which transparent tape changes color at different segments of the strip and thus, indicating/ emitting temperature.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device disclosed by Ingalz, Huang and Ziegler, so as to have the temperature emitting / indicating unit attached to the surface of the article of interest covered with a transparent tape, in order to indicate the temperature of the inside of the article, as taught by Ronci, by allowing the tape to

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change its transparency and revealing an appropriate color segment, as very well known in the art.

Claim 4 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over Ingalz, Huang and Ziegler in view of Yasuo (U.S. 5171429).

Ingalz, Huang and Ziegler disclose the device as stated above.

They do not teach the limitations of claim 4.

Yasuo discloses in Figs. 4-5 a device in the field of applicant's endeavor, the device comprising a temperature sensor 9 near/ around a transparent seal/ water mixer 15, an optical fiber 11 or 36, 37 is oriented toward the passageway 3 to emit light received from an LED 31 to the outlet port 4, 24.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device disclosed by Ingalz, Huang and Ziegler, so as to add an optical fiber so as to enable the device to transmit the light signal toward the outlet in order to make it visible to the operator.

Allowable Subject Matter

Claims 8-11 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claim 1, 3-4, and 7 have been considered but are moot in view of the new ground(s) of rejection necessitated by the amendment.

Although, in previous Office Action the Examiner indicated that claim 2 is allowable, the present combination of claims 1 and 2 and amendment to claim 1 does not put the claim 1 in a condition for allowance because the Applicant has omitted some limitations of the claims, therefore, the newly amended claim q is not identical to previously submitted claims 1 and 2 combined. Please note that whenever claims are objected as being dependent upon a rejected base claim, they would be allowable if rewritten in independent form **including all of the limitations** of the base claim and any intervening claims.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art cited in the PTO-892 and not mentioned above disclose related devices and methods.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gail Verbitsky whose telephone number is 571/ 272-2253. The examiner can normally be reached on 7:30 to 4:00 ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on 571/ 272-2180. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GKV

*Gail Verbitsky
Primary Patent Examiner, TC 2800*

November 18, 2008
/Gail Verbitsky/
Primary Examiner, Art Unit 2855

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